

EXHIBIT 25

Weaver, Ph.D, Alfred Vol. I 7/20/2010

Page 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

ePLUS, INC.

Plaintiff,

vs.

LAWSON SOFTWARE, INC.,
Defendant.

CASE NO.
3:09cv620

VIDEOTAPED DEPOSITION OF ALFRED WEAVER, Ph.D., WITNESS

Day 1 of 2

July 20, 2010

9:24 a.m.

Taken at:

BOAR'S HEAD INN

Blue Ridge Room

200 Ednam Drive

Charlottesville, Virginia 22903

REPORTED BY: Lisa M. Blair, RPR

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 Jennifer A. Albert, Esquire</p> <p>4 GOODWIN PROCTER</p> <p>5 901 New York Avenue, NW</p> <p>6 Washington, DC 20001</p> <p>7 202.346.4322</p> <p>8 Counsel for the Plaintiff</p> <p>9</p> <p>10 Kirstin L. Stoll-DeBell, Esquire</p> <p>11 MERCHANT & GOULD</p> <p>12 1050 17th Street, Suite 1950</p> <p>13 Denver, Colorado 80265</p> <p>14 303.357.1670</p> <p>15 Counsel for the Defendant</p> <p>16</p> <p>17 ALSO PRESENT:</p> <p>18 Jeff Hvass, Lawson</p> <p>19 Art Brown, Videographer</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 (Exhibit Numbers 1, 2, 3, 4 and 5</p> <p>2 were pre-marked for identification)</p> <p>3 THE VIDEOGRAPHER: This is the case of</p> <p>4 ePlus, Inc. versus Lawson Software, Inc. in cause</p> <p>5 number CA3:09cv620. This will be the deposition of</p> <p>6 Alfred Weaver.</p> <p>7 This deposition is taking place at the</p> <p>8 Boar's Head Inn, 200 Ednam Drive, Charlottesville,</p> <p>9 Virginia, 22903. This deposition is being taken on</p> <p>10 behalf of the defendant.</p> <p>11 My name is Art Brown. I have been</p> <p>12 subcontracted by Pro-Systems Court Reporting & Video</p> <p>13 Services, 4305 Bryant Avenue South in Minneapolis,</p> <p>14 Minnesota, 55409.</p> <p>15 Today's date and the current recording</p> <p>16 time will appear on the screen. Today is Tuesday,</p> <p>17 July 20, 2010, and the approximate recording time is</p> <p>18 9:24 a.m.</p> <p>19 Would counsel please identify yourself</p> <p>20 and the party you are representing, starting with the</p> <p>21 plaintiff's counsel.</p> <p>22 MS. ALBERT: Jennifer Albert with Goodwin</p> <p>23 Procter, representing the plaintiff, ePlus,</p> <p>24 Incorporated and Dr. Weaver.</p> <p>25 MS. STOLL-DeBELL: Kirsten Stoll-DeBell with</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 ALFRED WEAVER, Ph.D. PAGE</p> <p>4 By Ms. Stoll-DeBell 5</p> <p>5</p> <p>6</p> <p>7</p> <p>8 EXHIBITS</p> <p>9</p> <p>10 EXHIBITS PAGE</p> <p>11 1 Initial Infringement Expert Report 4</p> <p>12 of Alfred C. Weaver, PhD and</p> <p>13 attachments</p> <p>14 2 Expert Report of Alfred C. Weaver, 4</p> <p>15 PhD Relating to Patent Validity</p> <p>16 3 United States Patent No. 6,023,683 4</p> <p>17 4 United States Patent No. 6,055,516 4</p> <p>18 5 United States Patent No. 6,505,172 4</p> <p>19 B1</p> <p>20 6 United States Patent No. 5,712,989 46</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 the law firm of Merchant & Gould, representing the</p> <p>2 defendant, Lawson Software, Inc.</p> <p>3 THE VIDEOGRAPHER: Would the court reporter</p> <p>4 please swear the witness.</p> <p>5 ALFRED WEAVER, Ph.D., a Witness,</p> <p>6 called by the Defendant, first being duly sworn,</p> <p>7 testified as follows:</p> <p>8 THE VIDEOGRAPHER: We are on the record at</p> <p>9 9:25 a.m. Counsel may proceed.</p> <p>10 EXAMINATION BY MS. STOLL-DeBELL:</p> <p>11 Q. Good morning, Dr. Weaver.</p> <p>12 A. Good morning.</p> <p>13 Q. Will you state your business address for</p> <p>14 the record?</p> <p>15 A. My university business address is 151</p> <p>16 Engineer's Way, Charlottesville, Virginia, 22904.</p> <p>17 Q. And Dr. Weaver, I understand that you</p> <p>18 have a medical condition?</p> <p>19 A. That's correct.</p> <p>20 Q. Can you tell me a little bit about that?</p> <p>21 A. Yes. I have some congenital cervical</p> <p>22 spine problems. The nerves of the spine rub up</p> <p>23 against the calcium deposits and cause these muscles</p> <p>24 to stiffen. So the longer I sit, the more pain I feel</p> <p>25 in the shoulder. So I need breaks to loosen up my</p>

(Pages 2 to 5)

<p style="text-align: right;">Page 54</p> <p>1 A. At -- no; at the seller's location -- or 2 availability. It's not an actual count; it's an 3 indication of availability. So out of stock, 4 backordered, ships today, ships tomorrow, you'll have 5 it by Friday; that's what I think of as inventory. 6 Q. What about -- what if I use the term 7 stock items, what does that mean to you? 8 A. Well, to me it sounds like that's 9 customer-owned inventory. 10 Q. So is Lawson's software capable of 11 storing data about a customer's stock item? 12 A. I didn't look into that. 13 Q. When -- you're familiar with the search 14 results you see using RSS, and are you familiar 15 with -- you'll see some items have a check by them, 16 and some items have a check and a plus mark by them? 17 A. Okay. 18 Q. Do you remember that? 19 A. I do recall that. 20 Q. Okay. Do you know what those mean? 21 A. I'm not sure now. 22 Q. Well, I'll tell you my understanding, and 23 you can tell me whether that's consistent with what 24 you understand. 25 My understanding is Lawson's software</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Okay. 2 Q. And let me back up. Did you review a 3 demonstration laptop with Lawson's S3 software -- 4 A. Yes. 5 Q. -- that was produced by Lawson in this 6 case? 7 A. Yes. 8 Q. And you ran some demonstrations -- 9 A. Right. 10 Q. -- based on that demo laptop? 11 A. I did. 12 Q. And there was item data in the Item 13 Master on that demo laptop? 14 A. Yes. 15 Q. And do you agree that some of that item 16 data in the item after it was in the laptop included 17 items that are non-stock and stock items? 18 A. I don't recall. 19 Q. Did you, in doing your demonstrations 20 that you did and in forming your opinions, consider 21 whether or not the items that you were looking at were 22 stock versus non-stock? 23 A. No. 24 Q. Did you assume for your opinion that all 25 of the items in Item Master were accused of infringing</p>
<p style="text-align: right;">Page 55</p> <p>1 deals with -- or Item Master specifically stores 2 information about two kinds of items: Non-stock 3 items, which would be things you order from a 4 third-party vendor, and inventory or stock items. I 5 believe they actually call them inventory items. And 6 those would be items that are actually customer owned 7 that are stocked at the customer location. And then 8 my understanding further is that by looking at the 9 check or the check and the plus, that will tell you 10 whether it's an inventory versus a non-stock item. 11 Does that sound consistent with your 12 understanding of how Lawson's software works? 13 A. A discussion of stock and non-stock is 14 familiar, but I don't -- I don't have -- I have not 15 studied -- I don't have an example of the checkmarks. 16 Q. So I'm just trying to understand -- well, 17 what I ultimately want to know is your opinion 18 about -- about these customer-owned stock items, and 19 whether those fall within the scope of the claims. 20 A. I don't know. 21 Q. You didn't analyze that? 22 A. No. 23 Q. When you looked at Lawson's software, did 24 you understand -- well, let's talk even about the demo 25 system.</p>	<p style="text-align: right;">Page 57</p> <p>1 the claims? 2 A. The items don't infringe a claim. 3 Q. Did the demo system you reviewed track 4 company-owned stock items? 5 A. I don't recall there being a difference 6 between company owned and not owned. 7 Q. If -- if Item Master was loaded only with 8 customer-owned stock items, would that constitute a 9 catalog or multiple catalogs in the context of the 10 asserted claims? 11 A. If the -- if the information came from 12 vendor catalogs, then yes. 13 Q. Even if the -- even if the items that are 14 actually being stored are actually customer-owned 15 items? 16 A. If the information came from vendor 17 catalogs, then yes. 18 Q. Let's look at Exhibit 1, which is your 19 infringement report. And paragraph 64 is what I'd 20 like you to go to. And I'm sort of one, two -- the 21 seventh line down you talk about items maintained in 22 Item Master and vendor item tables. And then you put 23 for non-stock items constitutes an organized selection 24 of items and associated information? 25 A. Yes.</p>

(Pages 54 to 57)

<p style="text-align: right;">Page 66</p> <p>1 fields, but not all of them; is that published by a</p> <p>2 vendor?</p> <p>3 A. Yes.</p> <p>4 Q. What if you take some of the fields and</p> <p>5 you make changes to them, is that published by a</p> <p>6 vendor?</p> <p>7 A. I think now you're into a gray area.</p> <p>8 Q. What if you don't take all of the fields</p> <p>9 from an item in a vendor catalog, is that published by</p> <p>10 a vendor?</p> <p>11 A. Yes.</p> <p>12 Q. Let's say you just take -- I don't</p> <p>13 know -- the description and the part number --</p> <p>14 A. Yes.</p> <p>15 Q. -- but you don't take images and you</p> <p>16 don't take other things?</p> <p>17 A. Yeah, I think that's still published by a</p> <p>18 vendor.</p> <p>19 Q. So is one field enough to be published by</p> <p>20 a vendor?</p> <p>21 MS. ALBERT: Calls for a legal conclusion.</p> <p>22 The judge has entered a claim construction.</p> <p>23 A. Gray area.</p> <p>24 Q. So I think now I want to -- I want to</p> <p>25 talk about your opinion with regard to sort of the</p>	<p style="text-align: right;">Page 68</p> <p>1 a list of items that contain that vendor name.</p> <p>2 Q. So you did an example where you did a</p> <p>3 search for Dell?</p> <p>4 A. I did.</p> <p>5 Q. And I think it returned four items?</p> <p>6 A. I think that's right.</p> <p>7 Q. So would you say those four items are the</p> <p>8 Dell catalog within the Item Master database?</p> <p>9 A. Well, in that example there was both Dell</p> <p>10 and Diablo were distributors. So we were seeing the</p> <p>11 Dell catalog, and we were seeing two items from</p> <p>12 Diablo, because they are Dell products.</p> <p>13 Q. So when you did a search for Dell, you're</p> <p>14 saying you came back with items that are a part of</p> <p>15 both Dell's catalog and Diablo's catalog?</p> <p>16 A. Yes.</p> <p>17 Q. How could you tell those items were part</p> <p>18 of Diablo's catalog?</p> <p>19 A. They were labeled.</p> <p>20 Q. I think -- where were they labeled?</p> <p>21 A. They were -- I don't remember the label</p> <p>22 name, but it was -- it was -- Diablo was the source,</p> <p>23 the seller of the Dell items.</p> <p>24 Q. So if you did a search for Diablo, what</p> <p>25 would happen?</p>
<p style="text-align: right;">Page 67</p> <p>1 line between the different catalogs in Item Master.</p> <p>2 It's your opinion that it does, in fact -- or is</p> <p>3 capable of containing multiple catalogs; is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. And maybe it's easier to put it in the</p> <p>7 context of the demo system that you looked at. My</p> <p>8 question to you is, how do you tell where one catalog</p> <p>9 begins and -- or one ends and another begins within</p> <p>10 that Item Master?</p> <p>11 A. If you search for a vendor name, you will</p> <p>12 get results in which that vendor name -- well, you</p> <p>13 will only get results that match that vendor name. So</p> <p>14 you'll get items that are distributed, supplied by</p> <p>15 that vendor and other distributors.</p> <p>16 Q. So are you saying that all items from a</p> <p>17 vendor constitute a catalog within the Item Master</p> <p>18 database?</p> <p>19 A. In the Item Master database, each item</p> <p>20 has a description in the Item Master, plus some other</p> <p>21 tables like the vendor tables. So one can identify</p> <p>22 items by keywords. And so, if we have a keyword that</p> <p>23 identifies a vendor, then the database index will</p> <p>24 point to those records in which that vendor name</p> <p>25 appears. And then when the search completes, we have</p>	<p style="text-align: right;">Page 69</p> <p>1 A. I didn't do one, so I'm not sure.</p> <p>2 Q. You ran that search both in the RQ module</p> <p>3 and also in the RSS module --</p> <p>4 A. That's right.</p> <p>5 Q. -- is that correct?</p> <p>6 A. That example was done with both.</p> <p>7 Q. And the RQ module you, I think, received</p> <p>8 four -- four item entries or four results, and none of</p> <p>9 those identified Dell or Diablo --</p> <p>10 MS. ALBERT: Object to the form.</p> <p>11 Q. -- is that correct?</p> <p>12 MS. ALBERT: Mischaracterizes the</p> <p>13 demonstration.</p> <p>14 A. This is -- this can't be a memory test</p> <p>15 for me.</p> <p>16 Q. Well --</p> <p>17 A. We can run the demo, and then we'll both</p> <p>18 know the answer.</p> <p>19 Q. Yeah, I wanted to run the demo, but</p> <p>20 apparently that's being objected to. So what I</p> <p>21 intended to do -- and we will, I think, address this</p> <p>22 maybe on a break. What I intended to do is just to</p> <p>23 put the system up, go through the demos that you did,</p> <p>24 and ask you questions about it. So it wasn't, in</p> <p>25 fact, a memory test.</p>

(Pages 66 to 69)

Page 70	Page 72
<p>1 A. I see.</p> <p>2 Q. Because I don't -- I don't expect you to</p> <p>3 remember everything, but I do want to know what your</p> <p>4 opinions are. I do want to understand how you -- how</p> <p>5 you delineate one catalog from another --</p> <p>6 A. Okay.</p> <p>7 Q. -- in Item Master.</p> <p>8 MS. ALBERT: And Counsel, as I explained, we</p> <p>9 had an agreement with Lawson's counsel that we were</p> <p>10 not going to have Dr. Weaver perform demonstrations on</p> <p>11 the fly with the demonstration system. You know, I</p> <p>12 explained that I don't appreciate being ambushed at</p> <p>13 the deposition when we had a prior agreement. We had</p> <p>14 understood we had resolved this issue with</p> <p>15 Mr. Schultz. We told him that Dr. Weaver would not be</p> <p>16 prepared to do live demonstrations of your</p> <p>17 demonstration system. As I explained to Mr. Schultz,</p> <p>18 the demonstration system is flawed. We have had much</p> <p>19 correspondence over the course of discovery in this</p> <p>20 case. For example, the demonstration system times out</p> <p>21 frequently. You can't always get the virtual machines</p> <p>22 running. The Punchout connections frequently don't</p> <p>23 work properly. There is inadequate item data in the</p> <p>24 Item Master. Some of the data has been miscoded. For</p> <p>25 example, you could type in stents and get rectal</p>	<p>1 MS. STOLL-DeBELL: Are you done?</p> <p>2 MS. ALBERT: I think so.</p> <p>3 MS. STOLL-DeBELL: Okay. I -- it's my</p> <p>4 understanding -- and I have e-mails to show that we</p> <p>5 notified you that we intended to do a live</p> <p>6 demonstration.</p> <p>7 MS. ALBERT: That is not correct.</p> <p>8 MS. STOLL-DeBELL: Well, we disagree on</p> <p>9 that, and we may end up taking it to the court today.</p> <p>10 Yeah, it's -- I have e-mails saying -- confirming that</p> <p>11 we wanted to do a live demonstration. We flew out</p> <p>12 Mr. Hvass not once, but twice, actually, because we</p> <p>13 had, you know, a tragic situation with Dr. Weaver's</p> <p>14 mother. But we brought him out to run this system,</p> <p>15 because you told Mr. Schultz that you were not capable</p> <p>16 of running it, and Dr. Weaver was not capable of</p> <p>17 running it.</p> <p>18 We have every right to be able to cross</p> <p>19 examine Dr. Weaver on how the system works, and on the</p> <p>20 demonstrations that he does. I don't know what you</p> <p>21 intend to do at trial, but we -- we cannot effectively</p> <p>22 defend ourselves if we can't cross examine him and run</p> <p>23 the software. We can't just be limited to the demo</p> <p>24 that you-all did that serves your purposes, and</p> <p>25 frankly I think it's deceptive. It's just -- it's</p>
Page 71	Page 73
<p>1 probes. That was one thing that happened. We had</p> <p>2 much correspondence over the course of the case</p> <p>3 regarding the flaws of the demonstration system that</p> <p>4 was produced in discovery. We had a conference call</p> <p>5 with a Lawson implementation professional, who</p> <p>6 assisted us with loading additional sample data into</p> <p>7 the system. That took weeks to do. We're not</p> <p>8 prepared to do demonstrations on the fly. As we</p> <p>9 explained, and as Dr. Weaver set forth in his report,</p> <p>10 he had some demonstrations that were prepared at his</p> <p>11 instructions and under his direction, but as I</p> <p>12 informed Mr. Schultz, he himself did not prepare those</p> <p>13 demonstrations. He provided instructions and</p> <p>14 directions for their preparation.</p> <p>15 Now, if you want to go through the</p> <p>16 videos that we produced in conjunction with</p> <p>17 Dr. Weaver's report, we can do that. But the</p> <p>18 demonstration system itself is -- is flawed. And, you</p> <p>19 know, if you want -- I mean, if we want to waste time</p> <p>20 trying to get that thing to work properly during the</p> <p>21 deposition, I just don't think it's a proper use of</p> <p>22 Dr. Weaver's time. And, you know, I wish that you had</p> <p>23 told me in advance what exactly your intentions were,</p> <p>24 because we would have had an opportunity to seek a</p> <p>25 protective order from the court.</p>	<p>1 ridiculous. He's your infringement expert. And the</p> <p>2 fact that you will not allow him to look at a</p> <p>3 demonstration during his deposition is unbelievable,</p> <p>4 frankly. And the fact that you would think we don't</p> <p>5 want to do it, I mean, it's just crazy. I want to</p> <p>6 understand what his opinions are -- his opinions about</p> <p>7 infringement of my client's software.</p> <p>8 MS. ALBERT: We were not informed that you</p> <p>9 were bringing Mr. Hvass to the deposition to run the</p> <p>10 system. We were not informed that there would be a</p> <p>11 live demonstration over our objections. I told</p> <p>12 Mr. Schultz that I would bring the system for your</p> <p>13 inspection. He did not inform me that you were</p> <p>14 intending to do a demonstration. I informed him that</p> <p>15 we were not able to do a demonstration at the</p> <p>16 deposition. I have no objection to your questioning</p> <p>17 Dr. Weaver about the demonstrations that were provided</p> <p>18 to you, but I think it's -- it's a fool's errand to</p> <p>19 try to run the demonstration system when we don't have</p> <p>20 an opportunity to inspect in advance what exactly it</p> <p>21 is that you're going to ask be conducted, because the</p> <p>22 demonstration system is flawed in much of the data</p> <p>23 that was entered. And this has been the subject of</p> <p>24 numerous correspondence and prior meet-and-confers</p> <p>25 over the course of discovery.</p>

(Pages 70 to 73)

Page 74	Page 76
<p>1 MS. STOLL-DeBELL: Well, first of all, with</p> <p>2 regard to Mr. Hvass, you did know he was coming.</p> <p>3 MS. ALBERT: No, we did not.</p> <p>4 MS. STOLL-DeBELL: In fact, I think</p> <p>5 Mr. Robertson is paying for his travel for the last</p> <p>6 trip.</p> <p>7 MS. ALBERT: We were not informed -- I'm</p> <p>8 sorry. We were not informed that someone was going to</p> <p>9 be here to conduct the demonstration. I was not ever</p> <p>10 informed of that.</p> <p>11 MS. STOLL-DeBELL: Okay. Well,</p> <p>12 Mr. Robertson was. And I know there are e-mails about</p> <p>13 Mr. Hvass coming out for that.</p> <p>14 MS. ALBERT: I was not informed -- I was not</p> <p>15 informed that you would have a representative here to</p> <p>16 conduct a demonstration.</p> <p>17 MS. STOLL-DeBELL: And then with regard to</p> <p>18 the system being flawed, you, in fact, put your own</p> <p>19 data into it, didn't you?</p> <p>20 MS. ALBERT: As we had had numerous</p> <p>21 meet-and-confers, numerous conversations with counsel,</p> <p>22 you know, we've addressed the issue to the court</p> <p>23 before. Yes, you're -- you're aware that we had to</p> <p>24 load additional data in, in order to show the full</p> <p>25 capability of the system, because in many situations</p>	<p>1 approximately 12:03 p.m. Counsel may proceed.</p> <p>2 BY MS. STOLL-DeBELL:</p> <p>3 Q. I think we -- when -- before we took a</p> <p>4 break we were talking about published by a vendor --</p> <p>5 A. Yes.</p> <p>6 Q. -- and what that meant. So in the</p> <p>7 context of the Item Master on the demo that you used,</p> <p>8 did some of the items in that Item Master originate</p> <p>9 from a manufacturer?</p> <p>10 A. I had nothing to do with the formation of</p> <p>11 the database.</p> <p>12 Q. Okay.</p> <p>13 A. The database was simply delivered.</p> <p>14 Q. Now, data was added to it by ePlus,</p> <p>15 though; isn't that right?</p> <p>16 A. Yes.</p> <p>17 Q. Did you have any -- did you do anything</p> <p>18 in connection with that?</p> <p>19 A. When the original data set proved to be</p> <p>20 both inadequate and inaccurate, it was my advice that</p> <p>21 additional data be acquired and loaded. I did not do</p> <p>22 that myself.</p> <p>23 Q. Did you -- did you decide what data</p> <p>24 needed to be loaded?</p> <p>25 A. I explained that we needed to have data</p>
Page 75	Page 77
<p>1 there was inadequate data in the system, or it was</p> <p>2 mis-coded. That's been documented over the course of</p> <p>3 discovery.</p> <p>4 We did consult with a Lawson</p> <p>5 implementation specialist, who walked us through the</p> <p>6 process of how to format the data and use the catalog</p> <p>7 load utilities that are included in the software.</p> <p>8 And, in fact, I think the instructions that she</p> <p>9 provided to us weren't exactly accurate. It took us</p> <p>10 many weeks to load that. We did -- finally were able</p> <p>11 to load a small sample of additional data.</p> <p>12 THE VIDEOGRAPHER: Two minutes.</p> <p>13 MS. STOLL-DeBELL: Okay. Well, I think what</p> <p>14 we should do is resolve this off the record. We</p> <p>15 obviously have very different views of what happened.</p> <p>16 And I think, you know, we can decide whether to take</p> <p>17 it to the court. But for now, let's -- instead of</p> <p>18 making Dr. Weaver sit here with his painful back,</p> <p>19 we'll take a break now, and then we'll -- I'll do the</p> <p>20 best I can without -- and he will, too -- without</p> <p>21 having it in front of him.</p> <p>22 THE VIDEOGRAPHER: We're off the record at</p> <p>23 approximately 11:38 a.m.</p> <p>24 (Whereupon, a recess was taken).</p> <p>25 THE VIDEOGRAPHER: We're on the record at</p>	<p>1 from multiple catalogs so that we could show the</p> <p>2 searching capabilities.</p> <p>3 Q. Anything else that you said needed to be</p> <p>4 added?</p> <p>5 A. Well, we went through all of the claims</p> <p>6 looking at all of the elements. For instance, we</p> <p>7 needed to be able to show the category search and the</p> <p>8 operation of the UNSPSC codes, searching -- being able</p> <p>9 to search a catalog, being able to Punchout, being</p> <p>10 able to bring back Punchout items into the Lawson</p> <p>11 shopping cart.</p> <p>12 Q. So is this all data that you had added,</p> <p>13 or is this just what you wanted to show?</p> <p>14 A. This is what I wanted to show.</p> <p>15 Q. Okay. So I -- I'm interested in what</p> <p>16 data you said needed to be added, in addition to the</p> <p>17 data that Lawson provided on the demo laptop?</p> <p>18 A. Multiple vendor catalogs and enabled for</p> <p>19 searching by -- in multiple ways, including by vendor</p> <p>20 name.</p> <p>21 Q. Searching -- okay. Multiple data</p> <p>22 catalogs and searching by vendor name?</p> <p>23 A. That's right.</p> <p>24 Q. Okay. Let's start with the multiple data</p> <p>25 catalogs. How do I tell what is part of what catalog</p>

(Pages 74 to 77)

<p style="text-align: right;">Page 78</p> <p>1 in Item Master in the demo that you used?</p> <p>2 A. If I search for Dell, it will return Dell</p> <p>3 items.</p> <p>4 Q. Now, it's actually -- when you did your</p> <p>5 demonstration of RQ, for example, you searched by item</p> <p>6 description?</p> <p>7 A. Yes.</p> <p>8 Q. And so, it returned items that had Dell</p> <p>9 in the item description?</p> <p>10 A. That's correct.</p> <p>11 Q. Now, I think of the four items that were</p> <p>12 returned, is that Dell's catalog?</p> <p>13 A. Well, in that case it was Dell and</p> <p>14 Diablo. And my understanding is that the vendor name</p> <p>15 field had not been configured for searching. So</p> <p>16 you're right that when I searched for Dell, I'm</p> <p>17 finding Dell in the item description. Had it been</p> <p>18 configured to allow vendor name searching, then I</p> <p>19 would have gone to vendor catalogs directly.</p> <p>20 Q. Okay. So do you agree that Item Master</p> <p>21 does not have a field for vendor name?</p> <p>22 A. Not in that particular table, but there</p> <p>23 is a vendor table associated with that database.</p> <p>24 MS. ALBERT: Okay. Sorry. Is this screen</p> <p>25 being shown on the deposition?</p>	<p style="text-align: right;">Page 80</p> <p>1 his recorded demos, if you want, although we're just</p> <p>2 playing something that's been recorded already. So I</p> <p>3 don't really see too much of a point in that, frankly.</p> <p>4 MS. ALBERT: Okay.</p> <p>5 MS. STOLL-DeBELL: If we do a live demo,</p> <p>6 then I think we all want it recorded.</p> <p>7 MS. ALBERT: Okay. Fair enough.</p> <p>8 MS. STOLL-DeBELL: Does that sound like a</p> <p>9 plan to you? Do you see any reason we should</p> <p>10 re-record something?</p> <p>11 MS. ALBERT: No. That's fine. I just</p> <p>12 didn't necessarily want somebody -- yeah. I just</p> <p>13 didn't know if it was being recorded, like a split</p> <p>14 screen or something, and it was not really related to</p> <p>15 the testimony at the time.</p> <p>16 MS. STOLL-DeBELL: Okay. With that, would</p> <p>17 you mind reading back? I totally lost track of where</p> <p>18 we were.</p> <p>19 COURT REPORTER: The last question was, "So</p> <p>20 do you agree that Item Master does not have a field</p> <p>21 for vendor name?"</p> <p>22 And the answer was: "Not in that</p> <p>23 particular table, but there is a vendor table</p> <p>24 associated with that database."</p> <p>25 Q. Can you explain what you were talking</p>
<p style="text-align: right;">Page 79</p> <p>1 THE VIDEOGRAPHER: Not on my camera. I'm</p> <p>2 just focused on him.</p> <p>3 MS. STOLL-DeBELL: It's actually not.</p> <p>4 MS. ALBERT: Because I was wondering why we</p> <p>5 were going to this particular screen. You know, I</p> <p>6 just don't want the record to reflect anything yet</p> <p>7 when it hasn't been introduced yet.</p> <p>8 MS. STOLL-DeBELL: And actually, you know, I</p> <p>9 need to actually set up a WebEx to have this recorded,</p> <p>10 and it's not. So it's not being recorded right now in</p> <p>11 any way, shape or form. And I actually didn't even</p> <p>12 know it was up there.</p> <p>13 MS. ALBERT: Okay.</p> <p>14 MS. STOLL-DeBELL: So --</p> <p>15 MS. ALBERT: I was just objecting to it</p> <p>16 being on the screen if it was being recorded, and it</p> <p>17 wasn't really part of the testimony.</p> <p>18 THE VIDEOGRAPHER: The videography is only</p> <p>19 on the witness.</p> <p>20 MS. ALBERT: Okay.</p> <p>21 MR. HVASS: I'll just turn it off.</p> <p>22 MS. STOLL-DeBELL: What we had planned to</p> <p>23 do, Jennifer -- just like all of the other demos that</p> <p>24 we had done -- is have the actual screen shots</p> <p>25 recorded via WebEx. And we can certainly do that for</p>	<p style="text-align: right;">Page 81</p> <p>1 about, please?</p> <p>2 A. In the Neimeyer report, he points out how</p> <p>3 the Item Master is structured, and that as a part of</p> <p>4 the overall database system, there is a separate table</p> <p>5 that contains vendor information. So if -- if the</p> <p>6 vendor name is configured such that it can be</p> <p>7 searched, then there in the vendor table is the name.</p> <p>8 The vendor table is the place where that can be</p> <p>9 searched. And as we've already pointed out, if the</p> <p>10 name -- if the vendor name appears in other places in</p> <p>11 Item Master, then it could be searched that way as</p> <p>12 well.</p> <p>13 Q. I'm sorry, say that again.</p> <p>14 A. All of it?</p> <p>15 Q. No; just the last sentence.</p> <p>16 A. Oh, okay. And as we -- as we have seen,</p> <p>17 if we search for vendor name in the Item Master, we'll</p> <p>18 find that if that field is in the description, or if</p> <p>19 the user has taken a user field and defined that to be</p> <p>20 a vendor name field -- so if the vendor information</p> <p>21 has been made searchable.</p> <p>22 Q. Are you aware that Lawson witnesses</p> <p>23 testified that it's not possible to use a user field,</p> <p>24 set that up for vendor name?</p> <p>25 A. No.</p>

(Pages 78 to 81)

<p style="text-align: right;">Page 82</p> <p>1 Q. In Item Master, I'm sorry.</p> <p>2 A. I heard the opposite.</p> <p>3 Q. So you think it is possible to use the</p> <p>4 user definable field of Item Master, and set that up</p> <p>5 as a vendor name?</p> <p>6 A. Yes.</p> <p>7 Q. And I think you said you can search in</p> <p>8 the demo system vendor name in the vendor item tables;</p> <p>9 is that right?</p> <p>10 A. If it's enabled to do that.</p> <p>11 Q. Is that PO13 that you use to do that, to</p> <p>12 search the vendor item tables?</p> <p>13 A. I don't remember.</p> <p>14 Q. Do you remember how you searched the</p> <p>15 vendor item tables?</p> <p>16 A. From a text box.</p> <p>17 Q. Do your demos that you did for us show</p> <p>18 searching vendor item tables?</p> <p>19 A. Yes. They show searching by vendor name.</p> <p>20 Q. Okay. Which demo showed that?</p> <p>21 A. The Dell.</p> <p>22 Q. Both the RQ and the RSS example?</p> <p>23 A. Yes.</p> <p>24 Q. But you're really searching just the item</p> <p>25 description, aren't you?</p>	<p style="text-align: right;">Page 84</p> <p>1 A. In the demo system, vendor name searching</p> <p>2 was not enabled. So when I put in a vendor name and</p> <p>3 do a search on a vendor name, I will get results if</p> <p>4 the vendor name is included in the item description,</p> <p>5 or in some other field that has been enabled for</p> <p>6 keyword searching.</p> <p>7 Q. Okay. By searching, like, the</p> <p>8 description field?</p> <p>9 A. As an example; or any of the fields that</p> <p>10 are enabled for searching.</p> <p>11 Q. And in the demos that you actually did,</p> <p>12 you were searching description field, weren't you?</p> <p>13 A. I didn't look at all of the fields to see</p> <p>14 which ones were enabled, but the description certainly</p> <p>15 was.</p> <p>16 Q. Okay. And especially for RQ, that was</p> <p>17 what you searched?</p> <p>18 A. Yes.</p> <p>19 Q. When you do a search catalog in RSS, do</p> <p>20 you agree that that is searching the Item Master</p> <p>21 tables?</p> <p>22 A. And any -- any related tables, yes.</p> <p>23 Q. What related tables does it search?</p> <p>24 A. It's capable of searching a vendor table.</p> <p>25 Q. But you're saying that -- that is what</p>
<p style="text-align: right;">Page 83</p> <p>1 A. In this demo, because of the lack of</p> <p>2 functionality in the system that was delivered, that's</p> <p>3 correct.</p> <p>4 Q. What do you mean, lack of functionality?</p> <p>5 A. That -- my understanding is that the</p> <p>6 search for the vendor name was not enabled.</p> <p>7 Q. Enabled in what?</p> <p>8 A. In the demonstration system that was</p> <p>9 provided to ePlus.</p> <p>10 Q. So how -- how would you enable it?</p> <p>11 A. You need a system person to do that.</p> <p>12 Q. Okay. So it's your position you can</p> <p>13 search Item Master by item name if it's enabled?</p> <p>14 A. You can search the database by vendor</p> <p>15 name, because there is a vendor table. And there was</p> <p>16 deposition testimony from Lawson's clients saying that</p> <p>17 that could be done, and that they had done that.</p> <p>18 Q. So -- and maybe I misunderstood you. So</p> <p>19 I'm just trying to -- it seems like you said vendor</p> <p>20 name searching wasn't enabled in the demo, but then</p> <p>21 your demo showed vendor name searching for RQ and RSS.</p> <p>22 So I must have gotten that wrong, right?</p> <p>23 MS. ALBERT: Object to the form;</p> <p>24 mischaracterizes his testimony, and asked and</p> <p>25 answered.</p>	<p style="text-align: right;">Page 85</p> <p>1 was not enabled in the demo system?</p> <p>2 A. Correct.</p> <p>3 Q. But you don't know how to enable that?</p> <p>4 A. I don't.</p> <p>5 Q. Do you agree that a vendor -- a vendor</p> <p>6 number is not a field in the Item Master tables?</p> <p>7 A. I think that's correct.</p> <p>8 Q. Do you agree that a catalog number is not</p> <p>9 a field in the Item Master tables?</p> <p>10 A. I think that's correct.</p> <p>11 Q. Do you agree that item records in the</p> <p>12 Item Master tables are not associated with a vendor?</p> <p>13 A. They are associated through the vendor</p> <p>14 table.</p> <p>15 Q. How?</p> <p>16 A. There is a linkage between the Item</p> <p>17 Master and the vendor table.</p> <p>18 Q. Is there a link actually in the Item</p> <p>19 Master table?</p> <p>20 A. Well, I don't know where it is.</p> <p>21 Q. If I told you it's only in the vendor</p> <p>22 item table, does that sound right to you?</p> <p>23 MS. ALBERT: Object to the form; lacks</p> <p>24 foundation.</p> <p>25 A. I know there's a vendor item table. I</p>

(Pages 82 to 85)

<p style="text-align: right;">Page 86</p> <p>1 know that it can be searched.</p> <p>2 Q. If you do a search of the vendor item</p> <p>3 table, can you automatically add the results of that</p> <p>4 search to a requisition?</p> <p>5 A. I think you need -- you need the</p> <p>6 information in the Item Master to do that.</p> <p>7 Q. Do you agree that you cannot search for</p> <p>8 all of the items offered by a specific vendor in any</p> <p>9 database in Lawson's software?</p> <p>10 A. With our demonstration system, we were</p> <p>11 able to search for all of the, say, Dell items. So</p> <p>12 yes, we were able to do that in the demonstration</p> <p>13 system.</p> <p>14 Q. That was only because they all said Dell</p> <p>15 in the description, right?</p> <p>16 A. Yes.</p> <p>17 Q. So if I went in and changed the</p> <p>18 description to take Dell out, but it still said</p> <p>19 Inspiron 8100, and then did a search for Dell, that</p> <p>20 would not pull up all the items from Dell, would it?</p> <p>21 A. Right. If you took out the vendor name,</p> <p>22 it wouldn't be there to be found.</p> <p>23 Q. But many -- oh.</p> <p>24 A. This is, of course, the demonstration</p> <p>25 system that you're talking about.</p>	<p style="text-align: right;">Page 88</p> <p>1 item description field of Item Master, then it would</p> <p>2 not be possible to search for all items offered by a</p> <p>3 specific vendor?</p> <p>4 A. By using the Item Master in the vendor</p> <p>5 table, it is possible.</p> <p>6 Q. Even if the item description does not</p> <p>7 include the vendor name?</p> <p>8 A. Yes.</p> <p>9 Q. And the result -- so you're saying a</p> <p>10 search of the entire database together, including --</p> <p>11 A. Yes.</p> <p>12 Q. -- Item Master, vendor item tables?</p> <p>13 A. Yes.</p> <p>14 Q. Is there anything else that would be</p> <p>15 searched there?</p> <p>16 A. There is a third table identified in</p> <p>17 Mr. Neimeyer's report, but the Item Master and the</p> <p>18 vendor table are the ones that drive this discussion.</p> <p>19 Q. So is it possible to just search those</p> <p>20 two tables, but not the rest of the tables in the</p> <p>21 database?</p> <p>22 A. I'm not sure.</p> <p>23 Q. Just to make sure I got an answer to</p> <p>24 this -- maybe I did -- so I think what you're saying</p> <p>25 is if you -- you can search for all items offered by a</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. And many of the items in the Item Master</p> <p>2 and the demonstration system do not include the</p> <p>3 vendor's name in the item description?</p> <p>4 A. Some do not.</p> <p>5 Q. Many do not?</p> <p>6 A. I think that --</p> <p>7 MS. ALBERT: Object to the form; lacks</p> <p>8 foundation.</p> <p>9 A. I think that's true; many do not in the</p> <p>10 demonstration system.</p> <p>11 Q. Now, isn't there a limit on the number of</p> <p>12 characters that you can put into the item description</p> <p>13 field?</p> <p>14 A. I think so.</p> <p>15 Q. 30 or 32, something like that?</p> <p>16 A. Yeah, I don't remember the number, but</p> <p>17 there is a limit.</p> <p>18 Q. And did you hear the testimony from some</p> <p>19 of the Lawson customers saying that it was a little</p> <p>20 bit difficult to describe the items and keep that</p> <p>21 description within that size limit?</p> <p>22 MS. ALBERT: Object to the form; lacks</p> <p>23 foundation, mischaracterizes the customer's testimony.</p> <p>24 A. I read a comment similar to that.</p> <p>25 Q. So if the vendor name is not within the</p>	<p style="text-align: right;">Page 89</p> <p>1 specific vendor if you search the entire database,</p> <p>2 including Item Master and the vendor item tables?</p> <p>3 A. It's not that it searches the entire</p> <p>4 database because of the index to the Item Master, but</p> <p>5 you can achieve the goal of -- of finding all vendor</p> <p>6 products.</p> <p>7 Q. When you use an index for searching,</p> <p>8 aren't you still getting results for a search of all</p> <p>9 of the items within the database?</p> <p>10 A. It doesn't work -- it doesn't work like</p> <p>11 that. Each individual item in the database has</p> <p>12 certain keywords, index for searching. So the index</p> <p>13 points to the items. So if I am retrieving items</p> <p>14 related to a particular keyword, like laptop, then I</p> <p>15 don't search the whole database. I just look at the</p> <p>16 items that are indexed with the keyword laptop.</p> <p>17 Q. Is the index built by searching the</p> <p>18 entire database for items that meet the keyword</p> <p>19 laptop?</p> <p>20 A. The index is built at system generation</p> <p>21 time.</p> <p>22 Q. Based upon looking at all of the records</p> <p>23 in the Item Master database?</p> <p>24 A. As this index is built, each item record</p> <p>25 is examined for the keywords that are enabled for</p>

(Pages 86 to 89)

<p style="text-align: right;">Page 90</p> <p>1 searching, and the index is built to reflect that. So</p> <p>2 the index points to all instances of -- of a</p> <p>3 searchable -- of a searchable keyword or</p> <p>4 characteristic.</p> <p>5 Q. Okay. But it looks at every item in the</p> <p>6 database?</p> <p>7 A. At the moment that the index is built, it</p> <p>8 is built by going through the items in the database,</p> <p>9 but at the time of search it does not.</p> <p>10 Q. And I'm still not sure I totally got an</p> <p>11 answer to the question, so I'm going to ask you again.</p> <p>12 I think you're saying -- setting aside</p> <p>13 the index issue -- you can search to find all items</p> <p>14 offered by a vendor if you search the database,</p> <p>15 including Item Master and vendor item tables?</p> <p>16 MS. ALBERT: Asked and answered three times.</p> <p>17 A. Yes.</p> <p>18 Q. Let's -- when you do such a search to get</p> <p>19 all items offered by a vendor, can you add the results</p> <p>20 of that search to a requisition?</p> <p>21 A. You could do them one at a time.</p> <p>22 Q. Can you do it automatically?</p> <p>23 A. No.</p> <p>24 Q. How would you do it?</p> <p>25 A. You would select an item that's a result</p>	<p style="text-align: right;">Page 92</p> <p>1 RQ?</p> <p>2 A. I believe you can do this one at a time.</p> <p>3 Q. Why don't we -- why don't we look at your</p> <p>4 first demo, the RQ demo for Dell. And I'm going to</p> <p>5 have Mr. Hvass bring that up.</p> <p>6 MR. HVASS: Do you want to go through the</p> <p>7 whole thing?</p> <p>8 MS. STOLL-DeBELL: I'd like to see the</p> <p>9 search results. Maybe page through it a little bit.</p> <p>10 MS. ALBERT: It's just a little bit hard to</p> <p>11 see from here.</p> <p>12 MR. HVASS: Yeah, that's the interesting</p> <p>13 part. There's the sign-on, the request and the lines.</p> <p>14 MS. STOLL-DeBELL: You can maybe just play</p> <p>15 it from here. So now it looks like we're putting in</p> <p>16 just preliminary information.</p> <p>17 MR. HVASS: Also line search.</p> <p>18 MS. STOLL-DeBELL: Okay. Now you're doing</p> <p>19 the line search.</p> <p>20 Okay. Can you pause it?</p> <p>21 MR. HVASS: Uh-huh (affirmative).</p> <p>22 BY MS. STOLL-DeBELL:</p> <p>23 Q. What is this showing? And this is after</p> <p>24 you click the line search button.</p> <p>25 A. I can barely see it.</p>
<p style="text-align: right;">Page 91</p> <p>1 of the search and move that into your shopping cart.</p> <p>2 Q. So we're talking about RSS?</p> <p>3 A. Yes.</p> <p>4 Q. If you're not using RSS, if you're just</p> <p>5 using RQ, can you use the results of a search of the</p> <p>6 entire database to find items that are offered by a</p> <p>7 vendor? Can you use the results of that, and put that</p> <p>8 in your requisition?</p> <p>9 MS. ALBERT: Object to the form of the</p> <p>10 question. Mischaracterizes how the system works.</p> <p>11 A. Could you say that again?</p> <p>12 Q. Yes. So we talked about running a search</p> <p>13 to find all items offered by a vendor by searching the</p> <p>14 entire database, including Item Master and vendor item</p> <p>15 tables.</p> <p>16 And so, my question is: Can you -- in</p> <p>17 RQ, not RSS -- can you add the results of that search</p> <p>18 to a requisition?</p> <p>19 MS. ALBERT: Same objection.</p> <p>20 A. You said searching the entire database.</p> <p>21 And my testimony is that that is not what is</p> <p>22 happening, because of the index. So I'm disagreeing</p> <p>23 with the premise of your question.</p> <p>24 Q. Okay. With that said, can you take the</p> <p>25 results of that search and add it to a requisition in</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. Well, I don't think you need to --</p> <p>2 A. I don't need to see it?</p> <p>3 Q. I'm not interested in specifically what</p> <p>4 the words say, but more just generally what this list</p> <p>5 of items is that comes up after you click the search</p> <p>6 button in the line search.</p> <p>7 A. It says, active items at requisition</p> <p>8 location.</p> <p>9 Q. Requesting location?</p> <p>10 A. At requesting -- I have to get closer to</p> <p>11 that screen to read it accurately.</p> <p>12 Q. Okay. Do you know what that is, though,</p> <p>13 generally what that's showing?</p> <p>14 A. It's the results of your previous click.</p> <p>15 Q. So is it a listing of the items in the</p> <p>16 Item Master file?</p> <p>17 A. Yes.</p> <p>18 Q. Is it a listing of items in the vendor</p> <p>19 item tables?</p> <p>20 A. I don't think so.</p> <p>21 Q. Okay. Go ahead. Now it looks like</p> <p>22 you're clicking the search button --</p> <p>23 A. Okay.</p> <p>24 Q. -- is that right? Choosing filter?</p> <p>25 MS. ALBERT: Well, are you testifying,</p>

(Pages 90 to 93)

Page 94	Page 96
<p>1 Counsel, or are you going to ask Dr. Weaver the</p> <p>2 questions?</p> <p>3 MS. STOLL-DeBELL: Well, if he wants to read</p> <p>4 what is happening, it's his demo, but I think it's a</p> <p>5 little bit hard for him to see.</p> <p>6 MR. HVASS: Do you want to go back a little</p> <p>7 bit?</p> <p>8 MS. STOLL-DeBELL: Yeah.</p> <p>9 BY MS. STOLL-DeBELL:</p> <p>10 Q. Do you -- can you describe for me what</p> <p>11 search you just did?</p> <p>12 A. That was a search for items that</p> <p>13 contained the name Dell.</p> <p>14 Q. And it looks like you got four results;</p> <p>15 is that right?</p> <p>16 A. Right.</p> <p>17 MR. HVASS: There's a Dell.</p> <p>18 MS. STOLL-DeBELL: Okay. Do you want to</p> <p>19 pause it there.</p> <p>20 MR. HVASS: Uh-huh (affirmative).</p> <p>21 Q. So these are all items being offered by</p> <p>22 Dell; is that right?</p> <p>23 MS. ALBERT: Object to the form;</p> <p>24 mischaracterizes the demonstration.</p> <p>25 A. These are the items that included the</p>	<p>1 what is called a Lawson item number?</p> <p>2 A. Yes.</p> <p>3 Q. Which is different than a vendor item</p> <p>4 number?</p> <p>5 A. Yes.</p> <p>6 Q. And I think if we play through the rest</p> <p>7 of this demo it will show that at least one of those</p> <p>8 Lawson items has two vendor item numbers associated</p> <p>9 with it, one from Dell and one from Diablo; is that</p> <p>10 your recollection?</p> <p>11 A. That's my recollection.</p> <p>12 Q. So those items are actually -- you can</p> <p>13 purchase them within this demo Item Master from Dell</p> <p>14 or Diablo; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. So I'm having a hard time understanding</p> <p>17 how that is a Dell catalog that's being shown, if you</p> <p>18 can purchase that item from either Dell or Diablo?</p> <p>19 A. Because the Dell keyword appears in the</p> <p>20 description of both the Dell catalog and the Diablo</p> <p>21 catalog.</p> <p>22 Q. So I understand how you got the search</p> <p>23 results, but how is it that you can call that a Dell</p> <p>24 catalog when you could purchase those items from</p> <p>25 Diablo?</p>
Page 95	Page 97
<p>1 word Dell in their description.</p> <p>2 Q. So is this -- and this was a search of</p> <p>3 what tables?</p> <p>4 A. The Item Master.</p> <p>5 Q. Only Item Master?</p> <p>6 A. Perhaps it had the vendor table. I'm not</p> <p>7 sure.</p> <p>8 Q. And so is this the Dell catalog within</p> <p>9 the Item Master database in the demo laptop?</p> <p>10 MS. ALBERT: Object to the form; asked and</p> <p>11 answered.</p> <p>12 A. Yes.</p> <p>13 Q. Now, is there a Diablo catalog in the</p> <p>14 Item Master in the demo laptop?</p> <p>15 A. We saw items from Diablo. So the Diablo</p> <p>16 information is there, but we may not be able to see a</p> <p>17 Diablo catalog unless the Diablo vendor has been</p> <p>18 enabled for searching.</p> <p>19 Q. In the vendor item tables?</p> <p>20 A. Yes.</p> <p>21 Q. Now, these four items, the item number</p> <p>22 there is a four-digit number, if you recall; is that</p> <p>23 right?</p> <p>24 A. It looks to be at a distance.</p> <p>25 Q. And is it your understanding that that is</p>	<p>1 MS. ALBERT: Object to the characterization</p> <p>2 of the catalogs. I think that you're</p> <p>3 mischaracterizing what he said it was in his report.</p> <p>4 MS. STOLL-DeBELL: Okay. Well, he can tell</p> <p>5 me if I am.</p> <p>6 A. So Dell has a catalog of things that they</p> <p>7 offer. Diablo has a catalog of things that they</p> <p>8 offer. So when I search for Dell on this</p> <p>9 demonstration system, I can bring up all items with</p> <p>10 Dell in the description. That includes both Dell</p> <p>11 items sold by Dell and Dell items sold by Diablo.</p> <p>12 Q. So how would I select to search Diablo's</p> <p>13 catalog?</p> <p>14 A. Well, if vendor name searching were</p> <p>15 enabled, we could search for Diablo.</p> <p>16 Q. Did you see any of Lawson's customers who</p> <p>17 enabled vendor name searching?</p> <p>18 A. The deposition testimony said it could be</p> <p>19 done.</p> <p>20 Q. Do you have any evidence to show that</p> <p>21 anyone has actually enabled vendor name searching?</p> <p>22 A. I don't have an example of that, but</p> <p>23 again, the testimony of Lawson's customers says it can</p> <p>24 be done, and Lawson's documentation says it can be</p> <p>25 done.</p>

(Pages 94 to 97)

<p style="text-align: right;">Page 98</p> <p>1 Q. Okay. And it would be done by assigning</p> <p>2 a user definable field for a vendor name?</p> <p>3 A. That would be a way, yes.</p> <p>4 Q. Okay. Is there another way?</p> <p>5 A. Making the vendor name searchable.</p> <p>6 Q. In the vendor item tables?</p> <p>7 A. Making the vendor name searchable in the</p> <p>8 system. And the vendor name is in the vendor table.</p> <p>9 Q. Other than using a user definable field</p> <p>10 in Item Master, how would -- how would one do that?</p> <p>11 A. Well, I think that's the -- that the</p> <p>12 straightforward way. Again, deposition testimony says</p> <p>13 that you can -- you can enable searching by vendor</p> <p>14 name.</p> <p>15 Q. Okay. And when you say that, are you</p> <p>16 talking about setting a user definable field that way,</p> <p>17 or something else?</p> <p>18 A. That is a way.</p> <p>19 Q. Okay. So other than using a user</p> <p>20 definable field, what other way is there to enable</p> <p>21 vendor searching -- vendor name searching?</p> <p>22 A. To enable vendor name searching as a</p> <p>23 system setup choice.</p> <p>24 Q. And how do you do that, other than the</p> <p>25 user definable field?</p>	<p style="text-align: right;">Page 100</p> <p>1 data.</p> <p>2 Q. Do you agree that not all customers use</p> <p>3 Lawson's assistance to load data into Item Master?</p> <p>4 A. What I read in the deposition testimony</p> <p>5 was that the vast majority of Lawson's customers do</p> <p>6 use Lawson's assistance, because it's a complicated</p> <p>7 task.</p> <p>8 Q. But not all of them do?</p> <p>9 A. Well, I don't know whether all of them</p> <p>10 need Lawson's assistance. What I read was the vast</p> <p>11 majority need assistance.</p> <p>12 Q. Do you agree that Lawson does not decide</p> <p>13 what item data will be loaded into its customer's Item</p> <p>14 Master?</p> <p>15 A. The customers do choose what items or</p> <p>16 groups of items that they want to load, but the</p> <p>17 loading of that data is done often with Lawson's</p> <p>18 assistance. And Lawson is providing training and</p> <p>19 training manuals and publications that explain how to</p> <p>20 do this.</p> <p>21 Q. And I think -- well, I think we got into</p> <p>22 this a little bit earlier, but we'll go back. If -- I</p> <p>23 think you said if it's one -- one item in Item Master,</p> <p>24 it wouldn't be multiple catalogs --</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 99</p> <p>1 A. I have not seen it done. I have just</p> <p>2 read testimony that says it can be done.</p> <p>3 Q. The user definable fields that you can</p> <p>4 set, are those searchable?</p> <p>5 A. They can be made searchable.</p> <p>6 Q. Can you take the results of a search of</p> <p>7 the vendor item tables -- not Item Master, but the</p> <p>8 vendor item tables, can you take the results of those</p> <p>9 and add them to a requisition?</p> <p>10 MS. ALBERT: Asked and answered.</p> <p>11 A. No. You need the information in the Item</p> <p>12 Master.</p> <p>13 Q. When you were running demonstrations on</p> <p>14 the demo laptop, did you ever generate an actual</p> <p>15 purchase order?</p> <p>16 A. Yes. Well, I guess it comes down to the</p> <p>17 semantics of actual. Running the system produced</p> <p>18 screen shots of requisitions and purchase orders so</p> <p>19 they were actually there. They were not printed out</p> <p>20 and acted upon.</p> <p>21 Q. Do you have -- do you agree that as sold,</p> <p>22 Lawson's Item Master database is empty?</p> <p>23 A. As sold, it's empty. And the first thing</p> <p>24 that happens is a customer with Lawson's assistance,</p> <p>25 if needed, loads the Item Master with vendor catalog</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. -- is that right? And if it's more than</p> <p>2 one item but they're all from the same vendor, there</p> <p>3 wouldn't be multiple catalogs?</p> <p>4 MS. ALBERT: Asked and answered.</p> <p>5 A. Correct.</p> <p>6 Q. And so, the customer decides what items</p> <p>7 from what vendors will be loaded into Item Master, not</p> <p>8 Lawson?</p> <p>9 A. The customer makes that decision, and</p> <p>10 Lawson helps the customer implement that decision.</p> <p>11 Q. So the customer gives Lawson the data</p> <p>12 they want loaded, and Lawson helps them actually get</p> <p>13 it into the system; is that what you're saying?</p> <p>14 A. That is a way, yes. I mean, you could</p> <p>15 also transfer data from Legacy Systems. You can have</p> <p>16 Lawson host the whole site for you. You can have</p> <p>17 Lawson providing their assistance in getting your</p> <p>18 system set up.</p> <p>19 Q. Do you have any evidence to show that</p> <p>20 Lawson ever made any decisions about what specific</p> <p>21 item data will be loaded into Item Master?</p> <p>22 A. The customer makes that decision, and it</p> <p>23 can implemented with Lawson's help.</p> <p>24 Q. And it can be loaded in multiple</p> <p>25 different ways?</p>

(Pages 98 to 101)

<p style="text-align: right;">Page 134</p> <p>1 constitutes multiple product catalogs, does it?</p> <p>2 A. Well, if it came from multiple vendors,</p> <p>3 it does.</p> <p>4 Q. So you have to figure out whether it came</p> <p>5 from multiple vendors --</p> <p>6 A. Well, that --</p> <p>7 Q. -- to determine infringement?</p> <p>8 A. If it did come from multiple vendors,</p> <p>9 then this is an instance of infringement.</p> <p>10 Q. And if it didn't, it's not; is that</p> <p>11 right?</p> <p>12 A. I'm thinking.</p> <p>13 Q. I'm sorry.</p> <p>14 A. I think we can't do better than the</p> <p>15 court's definition. So what you need to determine is</p> <p>16 whether the organized collection of items and</p> <p>17 associated information published by a vendor,</p> <p>18 etcetera, etcetera. So if the data meets the court's</p> <p>19 definition, then that and everything else you need to</p> <p>20 prove infringement, that might infringe a claim.</p> <p>21 Q. Do you agree that ePlus is not accusing</p> <p>22 any of Lawson's software prior to version 8.0.3 of</p> <p>23 infringing the asserted claims?</p> <p>24 A. That's what I've been told.</p> <p>25 Q. What change in version 8.0.3 that</p>	<p style="text-align: right;">Page 136</p> <p>1 triggered infringement of these asserted claims?</p> <p>2 A. Well, it's an enabler for selecting the</p> <p>3 product catalogs, and for doing searches across</p> <p>4 product catalogs or within product catalogs.</p> <p>5 Q. So in RQ, you can't select product</p> <p>6 catalogs to search?</p> <p>7 A. Let me see what I wrote.</p> <p>8 MS. ALBERT: What's the time?</p> <p>9 THE VIDEOGRAPHER: We have remaining 13</p> <p>10 minutes.</p> <p>11 MS. STOLL-DeBELL: For three and-a-half</p> <p>12 hours?</p> <p>13 THE VIDEOGRAPHER: That would be about three</p> <p>14 hours and 50 minutes when we conclude these 13</p> <p>15 minutes.</p> <p>16 MS. ALBERT: Three hours and 50, five-zero?</p> <p>17 THE VIDEOGRAPHER: 50.</p> <p>18 MS. STOLL-DeBELL: Just finish up this line</p> <p>19 of questioning.</p> <p>20 A. (Witness perusing document).</p> <p>21 Q. So I think you talk about searching RQ-10</p> <p>22 at paragraph 353, if that's helpful. That describes</p> <p>23 your demo of RQ.</p> <p>24 A. Okay. I was looking at -- I thought the</p> <p>25 question was: What did the keyword search enable; and</p>
<p style="text-align: right;">Page 135</p> <p>1 triggered infringement?</p> <p>2 A. Well, I think I'll have to -- I mean, at</p> <p>3 the high level, the -- I can't do this by memory. I</p> <p>4 think two examples are keyword search and categories.</p> <p>5 There's probably more, but as a memory test, I'm --</p> <p>6 I'm not very good at that.</p> <p>7 Q. We'll talk about those two, and then if</p> <p>8 you think of additional things later, you can tell me;</p> <p>9 how does that sound?</p> <p>10 A. Okay.</p> <p>11 Q. Okay. So keyword search -- and that is</p> <p>12 something that's part of RSS; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. But not RQ?</p> <p>15 A. Right.</p> <p>16 Q. How is the keyword search of RSS</p> <p>17 different than the search that was in RQ, or that is</p> <p>18 in RQ?</p> <p>19 A. There's a search element and an advance</p> <p>20 search element. So search element allows you to put</p> <p>21 keywords in a text box and look it up among those</p> <p>22 fields that have been enabled for searching. The</p> <p>23 advanced search lets you do that, plus also provides a</p> <p>24 separate text box for words that you wish to ignore.</p> <p>25 Q. What about keyword search in RSS</p>	<p style="text-align: right;">Page 137</p> <p>1 I incorrect?</p> <p>2 Q. No. I think that's right. I'm trying to</p> <p>3 understand what is -- what is it about the keyword</p> <p>4 search --</p> <p>5 A. Sure.</p> <p>6 Q. -- that triggered infringement?</p> <p>7 A. So --</p> <p>8 Q. And whether -- yeah.</p> <p>9 A. Okay. So --</p> <p>10 Q. Yeah.</p> <p>11 A. -- starting at paragraph 108 on page 45.</p> <p>12 Q. Okay.</p> <p>13 A. So for S3, "Catalogs can be selected by</p> <p>14 inputting manufacturer codes, partial descriptions of</p> <p>15 items, classification codes/categories, unit of</p> <p>16 measure, vendor, manufacturer, and other item</p> <p>17 attributes."</p> <p>18 So that -- that's an example of what</p> <p>19 keyword search enables.</p> <p>20 Q. Okay.</p> <p>21 A. Let's see. Still on paragraph 108 on the</p> <p>22 next page, 46, Lawson represents to its customers that</p> <p>23 S3 can search by vendor catalog number, partial</p> <p>24 description of item, manufacturer catalog number,</p> <p>25 classification code, vendor name, manufacturer name.</p>

(Pages 134 to 137)

<p style="text-align: right;">Page 138</p> <p>1 So that's enabled by keyword search.</p> <p>2 Q. Okay.</p> <p>3 A. A couple of sentences later, the accused</p> <p>4 Lawson systems have the ability to search for items by</p> <p>5 vendor catalog number, partial description,</p> <p>6 manufacturer code, classification code, vendor name</p> <p>7 and manufacturer name.</p> <p>8 And then two lines down from there from</p> <p>9 the deposition of the representative from South</p> <p>10 Jersey, the S3 Procurement system can search for all</p> <p>11 items associated with a particular vendor by item</p> <p>12 number, description, UPC code, manufacturer name, and</p> <p>13 other item attributes.</p> <p>14 Toward the end of paragraph 109, S3</p> <p>15 Procurement system can select search catalog, and then</p> <p>16 inputting a query to search among the catalogs in the</p> <p>17 internal database. So those are examples of what the</p> <p>18 keyword search enables.</p> <p>19 Q. Okay. In RQ, not RSS, it allows you to</p> <p>20 search by item number or item description; do you</p> <p>21 agree with that?</p> <p>22 A. What -- you were about to refer --</p> <p>23 Q. Paragraph 353 is your example. And we</p> <p>24 had it up -- we showed it up there, too, for a little</p> <p>25 bit.</p>	<p style="text-align: right;">Page 140</p> <p>1 approximately 2:04 p.m.</p> <p>2</p> <p>3 AND FURTHER THIS DEPONENT SAITH NOT</p> <p>4 (The deposition was suspended at 2:04 p.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 139</p> <p>1 A. I found that. Let me just read that.</p> <p>2 (Witness perusing document).</p> <p>3 Okay. I've read this section.</p> <p>4 Q. So do you agree that the RQ module that</p> <p>5 does not include RSS -- RQ -- allows you only to</p> <p>6 search two fields: Item number and item description?</p> <p>7 A. So after I did my demo -- my</p> <p>8 experimentation and my demo and wrote this section, I</p> <p>9 have in paragraph 356, the first drop-down menu allows</p> <p>10 me to filter my search using any of the various</p> <p>11 pre-determined criteria associated with the items in</p> <p>12 the catalog stored in the Item Master database -- item</p> <p>13 description, item number, manufacturer, unit of</p> <p>14 measure, etcetera. So there is the ability to select</p> <p>15 other fields in the Item Master database.</p> <p>16 Q. To search in RQ?</p> <p>17 A. To filter the search, yes.</p> <p>18 Q. And so, it's your opinion that the search</p> <p>19 functionality within RQ meets the searching elements</p> <p>20 of the asserted claims?</p> <p>21 A. Yes.</p> <p>22 MS. STOLL-DeBELL: Why don't we stop for</p> <p>23 today.</p> <p>24 MS. ALBERT: All right.</p> <p>25 THE VIDEOGRAPHER: We're off the record at</p>	<p style="text-align: right;">Page 141</p> <p>1 CERTIFICATE OF DEPONENT</p> <p>2 I hereby certify that I have read and examined the</p> <p>3 foregoing transcript, and the same is a true and</p> <p>4 accurate record of the testimony given by me.</p> <p>5 Any additions or corrections that I feel are</p> <p>6 necessary, I will attach on a separate sheet of</p> <p>7 paper to the original transcript.</p> <p>8</p> <p>9</p> <p>10 _____</p> <p>11 Signature of Deponent</p> <p>12</p> <p>13 I hereby certify that the individual representing</p> <p>14 himself/herself to be the above-named individual,</p> <p>15 appeared before me this ____ day of _____,</p> <p>16 2010, and executed the above certificate in my</p> <p>17 presence.</p> <p>18</p> <p>19</p> <p>20 _____</p> <p>21 NOTARY PUBLIC IN AND FOR</p> <p>22</p> <p>23 _____</p> <p>24 County Name</p> <p>25 MY COMMISSION EXPIRES:</p>

(Pages 138 to 141)